

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SOHEILA HEXEMER,

Plaintiff(s),

-v-

Case No.:12 CIV. 1808 (LEK/CFH)

GENERAL ELECTRIC COMPANY;

GID GLOBAL, LLC. and JOSE GARCIA,

in his professional and individual  
capacities,

Defendant(s).

-----

DEPOSITION OF:

SOHEILA HEXEMER

HELD: WEDNESDAY, JUNE 11, 2014

2:19 p.m. - 4:20 p.m.

Reported by:

ROBERTA-ANNE SCHMITT

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A P P E A R A N C E S

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F E D E R A L                      S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the  
respective parties hereto that filing,  
sealing and certification be and the  
same are hereby waived.

IT IS FURTHER STIPULATED AND AGREED  
that all objections, except as to the  
form of the question, shall be reserved  
to the time of the trial.

IT IS FURTHER STIPULATED AND AGREED  
that the within examination may be  
subscribed and sworn to before any  
notary public with the same force and  
effect as though subscribed  
and sworn before the court.

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THIS IS THE ORAL DEPOSITION OF SOHEILA  
HEXEMER, the/on behalf of the PLAINTIFF herein,  
produced pursuant to NOTICE on WEDNESDAY, JUNE 11,  
2014, before ROBERTA-ANNE SCHMITT, a Court  
Reporter and Notary Public in and for the State of  
New York.

\* \* \* \* \*

SOHEILA HEXEMER

called as the witness, hereinbefore  
named, being first duly cautioned and sworn or  
affirmed by ROBERTA-ANNE SCHMITT, the Court  
Reporter and Notary Public herein, to tell the  
truth, the whole truth, and nothing but the truth,  
was examined and testified as follows:

EXAMINATION BY

MR. EBERT:

Q. You met with Mr. Garcia at a  
restaurant on November 6; do you recall  
that?

A. I don't remember the date.

Q. But you met with him at a restaurant;  
you had lunch together?

A. Yes. We had, yes.

Q. And before you met with Mr. Garcia,

1

2           was there anything that you hoped, in  
3           particular, to accomplish through that  
4           meeting?

5           A.     He asked me to meet him.

6           Q.     And you agreed to meet him?

7           A.     Yes.

8           Q.     And in agreeing to meet him, did you  
9           have any purpose, from your perspective, in  
10          meeting him?

11          A.     I want to know why he did it.

12          Q.     Why he did what?

13          A.     Let me go.

14          Q.     Okay. You tape-recorded that meeting;  
15          correct?

16          A.     Correct.

17          Q.     And did you tell Mr. Garcia before the  
18          meeting that you intended to record the  
19          meeting?

20          A.     No.

21          Q.     Why not?

22          A.     I did it for my protection.

23          Q.     Why didn't you tell Mr. Garcia that  
24          you were going to tape this conversation  
25          that you had with him?

1

2           A.     Because I knew it was me against all  
3           of you guys and I had to protect myself.

4           Q.     All of us guys, including me?

5           A.     No.   Everybody in GE.

6           Q.     Everybody in GE.

7                    So that still doesn't explain to me  
8           why did you tape that conversation?

9                    What did you expect to get out of  
10          taping that conversation?

11          A.     I want to listen to it myself again,  
12          because I was very emotional.

13          Q.     You were hoping that Jose would say  
14          something that would help you in your  
15          lawsuit; correct?

16          A.     No.

17          Q.     Before you went to that meeting and  
18          taped the meeting you had met with a lawyer;  
19          correct?

20          A.     No.

21          Q.     Do you recall saying in that meeting  
22          with Jose that you had already met with a  
23          lawyer? Do you recall that?

24          A.     I don't remember that.

25          Q.     Do you recall telling Jose that you

1

2           were going to meet with a lawyer the Monday  
3           after the meeting with him?

4           A.     I don't remember that.

5           Q.     Was that true, that you were going to  
6           meet with a lawyer the Monday after that  
7           meeting?

8           A.     I don't remember. I don't remember  
9           saying anything like that.

10          Q.     At the meeting, did you tell  
11          Mr. Garcia you were recording the  
12          conversation?

13          A.     No.

14          Q.     Why not?

15          A.     I just didn't.

16          Q.     There had to be a reason. I assume  
17          you don't record all your conversations on a  
18          regular basis; correct?

19          A.     Correct.

20          Q.     So you were recording this for some  
21          particular reason; right?

22          A.     As I said, I wanted to listen for  
23          myself, listen over again, see what  
24          happened.

25          Q.     And you were hoping it would help you



1

2 in your lawsuit; correct?

3

MR. VALLAS: Objection.

4

BY MR. EBERT:

5

Q. Correct?

6

A. I wasn't thinking about the lawsuit at

7

that time.

8

Q. Because you mentioned the lawsuit

9

several times in that conversation with

10

Mr. Garcia. Do you recall that?

11

A. I don't remember. I have to listen to

12

the tape.

13

Q. Do you recall saying you were going to

14

sue for \$500,000? Do you recall telling him

15

that?

16

A. I don't remember that.

17

Q. If your only purpose was to be able to

18

listen back to the conversation, why

19

wouldn't you tell Mr. Garcia that's what you

20

were doing?

21

A. I didn't think about it.

22

Q. Did you think you were doing anything

23

deceitful by sitting in a restaurant with

24

him for hours and recording a conversation

25

without telling him?

1

2           A.     I don't think so.

3           Q.     Well, if you didn't think so, then why  
4           wouldn't you tell him you were doing it?

5           That's what I'm trying to get to.

6                     Why didn't you tell him?

7                             MR. VALLAS:  Objection.

8           A.     I didn't think about it.

9           Q.     When you say you didn't think about  
10           it, how did you go about recording the  
11           conversation?

12          A.     I just record it.

13          Q.     What device did you use?

14          A.     A small tape recorder.

15          Q.     Did it have a microphone on it?

16          A.     No.

17          Q.     And you had to place it in a position  
18           so that Jose wouldn't see it but it would  
19           still pick up the conversation; correct?

20          A.     No.  It was inside my purse.

21          Q.     Okay.  But the reason you had it  
22           inside your purse rather than outside your  
23           purse is so that he wouldn't see it;  
24           correct?

25          A.     I didn't think about it.  That wasn't

1

2 the reason, no.

3 Q. What wasn't the reason?

4 A. I just had the tape recorder in my  
5 purse.

6 Q. So it happened to be in your purse and  
7 you didn't take it out to put it on the  
8 table because you didn't think about it?

9 A. I didn't take anything out of my  
10 purse.

11 Q. Okay. Did you want him to know that  
12 you were taping the conversation?

13 A. No.

14 Q. Why didn't you want him to know?

15 A. There was no reason for it.

16 Q. If you were being recorded by somebody  
17 in a private conversation, would you like to  
18 know that you were being recorded?

19 A. (No verbal/audible response).

20 Q. Wouldn't you want to know if you were  
21 sitting with someone privately in a  
22 restaurant --

23 A. I didn't --

24 Q. I have to finish the question.

25 If you were having a conversation in a

1

2 restaurant and the other person was taping  
3 the conversation, wouldn't you want to know?

4 A. I didn't do anything illegal.

5 Q. I didn't say you did. I asked a  
6 different question.

7 If you were sitting in a restaurant  
8 with Mr. Garcia and he was taping the  
9 conversation without telling you, would you  
10 be okay with that?

11 A. Yes.

12 Q. And any conversation you had privately  
13 you'd be okay with other person taping it  
14 without telling you; is that right?

15 A. Yes.

16 Q. How often do you tape conversations  
17 you have with people?

18 A. Never.

19 Q. This is the only time?

20 A. Yes.

21 Q. So what about this in particular  
22 caused you to tape him?

23 MR. VALLAS: Objection.

24 BY MR. EBERT:

25 Q. It's the only time you ever did it.

1

2           What caused you to do it now, in that  
3           conversation?

4           A.     No comment.

5           Q.     That's not a response.

6                     MR. EBERT: Can you read back  
7                     the question, please?

8                     (At which time, the following  
9                     portion of testimony was read back  
10                    by the stenographer:

11                    QUESTION: It's the only time you  
12                    ever did it. What caused you to do  
13                    it now, in that conversation?)

14           A.     As I say, I want to listen to it over  
15           again.

16   BY MR. EBERT:

17           Q.     Did you listen to it again?

18           A.     Yes.

19           Q.     How many times did you listen to it?

20           A.     Couple of time after.

21           Q.     When did you listen to it?

22           A.     After it happened.

23           Q.     How soon after it happened?

24           A.     The next day.

25           Q.     And did you listen to it after the

1

2       next day?

3       A.     Couple more time after that.

4       Q.     How many times?

5       A.     Maybe twice.

6       Q.     And when did you listen the other two  
7       times?

8       A.     I listened to it next two, three days,  
9       you know, a couple of time. I listened to  
10      it Thursday, listened to it Friday, listened  
11      to it Saturday.

12      Q.     And after that did you listen to it  
13      again?

14      A.     No.

15      Q.     Did you listen to before you came here  
16      to testify?

17      A.     No.

18      Q.     Have you played it for anyone?

19      A.     No. My husband.

20                      MR. VALLAS: Objection.

21                      Other than counsel, what you  
22                      said to us or we said to you.

23      A.     My husband.

24      Q.     Why did you play it for your husband?

25      A.     Why?

1

2 Q. Yes, why?

3 A. I just -- I want to hear -- I want him  
4 to hear it.

5 Q. Why?

6 A. Because he's my husband. I share  
7 everything with him in my life.

8 Q. No other reason?

9 A. No other reason.

10 Q. Did you tell him before that you were  
11 going to tape this conversation without  
12 telling Jose?

13 A. Yes.

14 Q. Did he think that was a good idea?  
15 Did he say whether it was a good idea?

16 A. He didn't give me comment.

17 Q. After you listened to the tape, it  
18 sounds like three or four times, did you  
19 conclude that Mr. Garcia had said anything  
20 that would be helpful to you in your  
21 lawsuit?

22 MR. VALLAS: Objection to the  
23 extent it calls for a legal  
24 conclusion.

25 You can answer.

1

2           A.       When I taped the -- when I taped him,  
3           it wasn't in my mind to go after -- to sue  
4           them, and I didn't go after GID.

5           Q.       You said several times during that  
6           meeting you were intending to sue GE, and if  
7           you had to, GID as well; do you remember  
8           that?

9                   MR. VALLAS: Objection. Not  
10           sure that's an accurate  
11           transcription of the tape.

12                  MR. EBERT: Can you read back  
13           the last question and answer  
14           before the last question and  
15           answer, please?

16                  (At which time, the following  
17           portion of testimony was read back  
18           by the stenographer:

19                  QUESTION: After you listened to  
20           the tape, it sounds like three or  
21           four times, did you conclude that  
22           Mr. Garcia had said anything that  
23           would be helpful to you in your  
24           lawsuit?)

25           A.       That time I wasn't thinking about sue



1

2       them.

3

Q.     Okay. As of today, sitting here

4

today, do you think that Mr. Garcia said

5

anything in that conversation that is

6

helpful to you in your lawsuit?

7

MR. VALLAS: Objection on the

8

same grounds.

9

A.     I don't know.

10

Q.     Why did you save the tape?

11

A.     I just did.

12

Q.     I know what you did. I'm asking you

13

why you saved the tape.

14

A.     I don't know. I just did.

15

Q.     Well, you saved the tape because you

16

hoped that it would be helpful to you when

17

you sued GE and GID; correct?

18

MR. VALLAS: Objection.

19

A.     I didn't think that far.

20

Q.     Did you see a lawyer after that

21

meeting?

22

MR. VALLAS: Objection.

23

Don't reveal anything that was

24

said.

25

MR. EBERT: No, I don't want

1

2                   anything you said to lawyers.

3       BY MR. EBERT:

4           Q.     But did you meet with a lawyer after  
5           that meeting?

6           A.     I talked to one of them.

7           Q.     How soon after the meeting with Jose  
8           did you speak with a lawyer?

9           A.     Two days after.

10          Q.     Did you play him the tape or her the  
11          tape?

12                   MR. VALLAS:   When you say --

13       BY MR. EBERT:

14          Q.     Did you play him or her the tape?

15          A.     Not that time.

16                   MR. VALLAS:   I don't want to  
17                   probe any further into  
18                   communications with counsel.

19       BY MR. EBERT:

20          Q.     What lawyer did you meet with a couple  
21          of days after the meeting?

22          A.     I talked to Otting [sic], you know.

23          Q.     The Ottinger Firm, okay.

24          A.     Otting, the same group.

25          Q.     Okay. And do you believe that

1

2           Mr. Garcia lied to you during that  
3           conversation that you taped?

4           A.     I have a lot of respect for  
5           Mr. Garcia.

6           Q.     And he for you.

7                   Do you think he lied during that  
8           conversation?

9           A.     I don't know.

10          Q.     Is there anything he said that you  
11          believe may be a lie?

12          A.     I don't know.

13          Q.     Did you say anything in the  
14          conversation --

15                   Well, is everything that you said  
16          during that conversation, was it truthful at  
17          the time you said it?

18          A.     Yes.

19          Q.     And how do you recall that sitting  
20          here today, since you can't recall what was  
21          said in the conversation?

22                   MR. VALLAS: Objection. I'm  
23                   not sure. How do you recall  
24                   what?

25                   MR. EBERT: Can you read back

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the question, please?

(At which time, the following  
portion of testimony was read back  
by the stenographer:

QUESTION: And how do you recall  
that sitting here today, since you  
can't recall what was said in the  
conversation?)

MR. VALLAS: If you  
understand it, you can answer.

A. I know what he said, but, you know, I  
know our conversation, what we talked about.

Q. But you don't recall in the  
conversation talking about having gone to a  
lawyer before meeting with Jose; correct?

A. I don't remember.

Q. Okay. So you can't possibly remember  
everything that went on in the conversation.

Can you sit here today and tell me  
that everything you said in that  
conversation was truthful?

A. I have to play the tape to myself then  
I can tell you the answer.

Q. Is it your practice to say things to

1

2 people that's untruthful?

3 A. No.

4 Q. But you'd have to play the tape to see  
5 if you had lied in the conversation;  
6 correct?

7 MR. VALLAS: Objection.

8 A. I was very emotional.

9 Q. That's not the question.

10 MR. EBERT: Can you read back  
11 the question, please?

12 (At which time, the following  
13 portion of testimony was read back  
14 by the stenographer:

15 QUESTION: But you'd have to play  
16 the tape to see if you had lied in  
17 the conversation; correct?)

18 A. I have to listen to tape then I can  
19 give you answer.

20 Q. Okay. So you can't tell me whether  
21 everything you said in that conversation  
22 that you taped was truthful without again  
23 listening to the tape of that conversation.

24 Do I have it right?

25 A. No, you don't have it right.

1

2 Q. How do I have it wrong?

3 A. I do remember some. I don't remember  
4 word to word, but I remember, you know, our  
5 conversation, general idea what we talked  
6 about.

7 Q. Can you say here today that you recall  
8 everything you said in that conversation was  
9 truthful?

10 A. I can't give you answer on that.

11 Q. Okay. That's fine.

12 Do you recall saying at the meeting  
13 that one of the reasons you wanted to sue  
14 was so that people like Jared and Sarah  
15 would pay for what happened to you? Do you  
16 recall saying that?

17 A. Yes.

18 Q. And was that a true statement?

19 A. Yes.

20 Q. You wanted them to pay for this;  
21 correct?

22 A. Not in money.

23 Q. You said you wanted people like Jared  
24 and Sarah to pay for what happened to you;  
25 right? Do you recall that?

1

2           A.     I think so.

3           Q.     Well, do you recall saying it or don't  
4           you recall saying it?

5                   MR. VALLAS: To answer no is  
6                   fine. It's yes or no.

7   BY MR. EBERT:

8           Q.     A truthful answer is fine. Just tell  
9           me whether --

10                   MR. EBERT: Read it back,  
11                   please.

12                   (At which time, the following  
13                   portion of testimony was read back  
14                   by the stenographer:

15                   QUESTION: You said you wanted  
16                   people like Jared and Sarah to pay  
17                   for what happened to you; right? Do  
18                   you recall that?

19                   ANSWER: I think so.

20                   QUESTION: Well, do you recall  
21                   saying it or don't you recall saying  
22                   it?)

23           A.     If my memory serve, yes, I did.

24           Q.     And was that a truthful statement at  
25           the time you said it?

1

2

MR. VALLAS: Objection.

3

A. Yes. I wanted justice to be done.

4

Q. But you said you wanted them to pay

5

for it. What did you want them to pay for?

6

A. I live in the U.S. I think I have

7

every right as you, you, and every one of

8

you. I am a United States' citizen. I

9

cannot be discriminated.

10

Q. I cannot agree more.

11

But what is it you wanted Jared or

12

Sarah to pay for?

13

Let's take a break.

14

MR. EBERT: The witness is --

15

let's take a break.

16

MR. VALLAS: Let's step

17

outside.

18

(Recess held from 2:35 P.M. until

19

2:41 P.M. )

20

MR. EBERT: Can you read back

21

the pending question, please?

22

(At which time, the following

23

portion of testimony was read back

24

by the stenographer:

25

QUESTION: I cannot agree more.



1

2

But what is it you wanted Jared or

3

Sarah to pay for?)

4

BY MR. EBERT:

5

Q. Can you respond to that question

6

please?

7

A. I wanted justice to be done.

8

Q. All right. And you were, at that

9

time, very mad at Jared; correct?

10

A. I was mad at the situation.

11

Q. But were you specifically mad at

12

Jared?

13

A. I was mad at the situation.

14

Q. That's not responding to my question.

15

I don't want to know about the situation. I

16

just want to know about Jared.

17

Were you mad at Jared at the time that

18

this happened?

19

MR. VALLAS: Objection. At

20

the time what happened?

21

MR. EBERT: I'm sorry, good

22

point.

23

BY MR. EBERT:

24

Q. The lunch with Jose.

25

A. No.

1

2 Q. If you weren't mad at him, why did you  
3 want him to pay for what he had done?

4 A. Unfair action.

5 Q. Unfair action?

6 A. Yes.

7 Q. Do you believe that Jared had anything  
8 to do with the decision to terminate you at  
9 GID?

10 A. I don't know.

11 Q. And you also said you wanted  
12 "something to happen," those were your  
13 words, "something to happen" to Jared and  
14 Sarah. What did you want to have happen to  
15 them?

16 A. I wanted justice to be done.

17 Q. Why would you want --

18 You just said that you didn't know if  
19 Jared had anything to do with your  
20 termination at GID. If you didn't know if  
21 he was involved in that termination, why did  
22 you want him to pay for it or why did you  
23 want anything to happen to him?

24 MR. VALLAS: Just for the  
25 record, it's important that you

1

2

give verbal responses, because

3

the court reporter can't

4

transcribe any non-verbal

5

gestures.

6

A. Because the last meeting we had.

7

Q. You wanted to hurt him because of the

8

last meeting you had, even though you didn't

9

know whether he was involved in your

10

termination, is that your testimony?

11

A. His comment was very strong.

12

Q. Which comment?

13

A. When we had the meeting.

14

Q. Which comment?

15

A. The comment he made in his office.

16

Q. What was the comment?

17

A. That he doesn't care; I'm not his

18

employee; it doesn't matter what happened.

19

Q. Anything else you were mad at him for?

20

A. No.

21

Q. And do you recall saying to Jose that

22

you believed you could hurt Jared and Sarah

23

by filing the lawsuit against them?

24

A. I don't remember.

25

Q. Was part of your intention of filing

1

2 the lawsuit to hurt Sarah or Jared?

3 A. I don't think so, no.

4 Q. Would you be pleased if Sarah or Jared  
5 got hurt by this lawsuit?

6 A. I wanted justice to be done. I wanted  
7 GE to do something about that employee.

8 Q. I understand, but that wasn't what I  
9 asked you.

10 MR. EBERT: Can you read back  
11 the question, please?

12 (At which time, the following  
13 portion of testimony was read back  
14 by the stenographer:

15 QUESTION: Would you be pleased if  
16 Sarah or Jared got hurt by this  
17 lawsuit?)

18 A. No.

19 Q. What's your understanding of why you  
20 were terminated by GID?

21 A. I'm sorry, repeat it again.

22 Q. What is your understanding of why you  
23 were terminated by GID?

24 MR. VALLAS: Objection to the  
25 extent it implies the

1

2

termination was conducted by

3

GID. You can answer the

4

question.

5

A. Repeat it again. I'm sorry.

6

Q. I just want to know what's your

7

understanding as to the reason you were

8

terminated.

9

A. Because when I brought the

10

discrimination case, what they have done,

11

GID decided -- between GE and GID Global

12

they decided to let me go.

13

Q. You believe they decided together?

14

A. Yes.

15

Q. So who at GE was involved in that

16

decision to terminate you?

17

A. I don't know the name, but one of the

18

higher ups.

19

Q. Who?

20

A. One of the higher ups.

21

Q. How do you know one of the higher ups

22

was involved in that decision?

23

A. Based on the conversation that I had.

24

Q. With?

25

A. With Jose.

1

2 Q. What did Jose tell you?

3 A. It comes from higher up, that's all.

4 Q. Is that the lunch conversation?

5 A. Yes.

6 Q. And it's your recollection that's what  
7 Jose said to you during that taped  
8 conversation?

9 A. I believe so.

10 Q. When you say you believe so, do you  
11 have a present recollection that he said  
12 that?

13 A. Yes.

14 Q. Tell me each person who you believe  
15 was involved in the decision to fire you.

16 A. Please repeat it again.

17 Q. Somebody had to make the decision to  
18 fire you; correct? It may have been one  
19 person, it may have been several people;  
20 correct?

21 A. Correct.

22 Q. So who, tell me each person that you  
23 believe was involved in the decision to fire  
24 you.

25 A. I don't know the answer.

1

2 Q. Tell me anybody that you know.

3 A. I don't know.

4 Q. Was Jared involved?

5 A. I don't know.

6 Q. Was Sarah involved?

7 A. I don't know.

8 Q. Was Jose involved?

9 A. Probably, yes.

10 Q. Probably, or you know he was involved?

11 A. I don't know.

12 Q. Was Guillermo involved?

13 A. I don't know.

14 Q. Do you believe that Jose, when he told  
15 you the reason that you were being  
16 terminated, do you believe he was lying to  
17 you?

18 A. He was being dishonest, yes.

19 Q. So you have other experiences with  
20 Jose where he had been dishonest with you?

21 A. We never had a issue.

22 Q. Does that mean you don't have any  
23 other instances where you think he was being  
24 dishonest with you?

25 A. I was a loyal employee; he was a good

1

2 manager.

3 Q. That's not what I asked about.

4 Do you believe that Jose, other than  
5 this one time, had ever been dishonest with  
6 you?

7 A. I never had an issue to find out if he  
8 was dishonest or not.

9 Q. What is it that he said that was  
10 dishonest?

11 A. To let me go.

12 Q. What statement did he make that was  
13 dishonest?

14 A. I don't have a answer.

15 Q. All right. And do you recall telling  
16 Mr. Garcia at that taped conversation that  
17 he was like -- that he and Guillermo were  
18 like brothers to you, like family?

19 A. Yes. I have -- as I say, I have a lot  
20 of respect for both of them.

21 Q. But you think that Jose lied to you  
22 during this conversation, but you can't tell  
23 me about what he lied; correct?

24 A. Correct.

25 Q. Okay. Do you know if anybody was



1

2       hired or brought on by GID to replace you on  
3       that project?

4       A.     I don't know.

5       Q.     Well, based on your experience working  
6       on the project, could that project have been  
7       executed under its then current statement of  
8       work without you being there?

9       A.     I have done many projects for them.  
10      Some of the projects, yes, because I show  
11      them.

12      Q.     That was a poor question.  
13             You were working on a project for GE;  
14      right?

15      A.     I work on many projects for GE.

16      Q.     I'm just talking about the one you  
17      were working on when you were terminated by  
18      GID.

19             You were on a project; correct?

20      A.     Not one project. I work on many  
21      different project for them.

22      Q.     I want to talk about the incident that  
23      you believe lead to your termination.

24             As I understand it, your claim is that  
25      someone at GE said something insensitive to

1

2       you regarding your citizenship status; is  
3       that right?

4       A.     Regarding my nationality.

5       Q.     Nationality, okay.

6             This is very important that you tell  
7       me, as best you can, everything that you  
8       recall being said by the people involved in  
9       that incident, okay?

10            So start from the very beginning about  
11       what prompted -- how that incident started,  
12       as best you can recall, everything that  
13       everybody said.

14       A.     Miss Sarah Hill, we talk about, you  
15       know, sitting on the desk gaining weight.

16       Q.     Who was talking about that?

17       A.     Me, Joe, Jake, three of us.

18       Q.     And did they make comments about  
19       getting fat sitting at their desk?

20       A.     They always talk about that one.

21       Q.     I'm talking about this incident.

22       A.     I think so.

23       Q.     You think so. Do you recall one way  
24       or the other?

25       A.     I don't memorize every word.

1

2           Q.     I don't expect you to, but I want to  
3           know if you remember what they said, they  
4           said in particular about getting fat or  
5           gaining weight in that incident.

6                   What did they say?

7           A.     I don't remember.

8           Q.     Okay. What did you say?

9           A.     I said, Well, if we're sitting in a  
10          chair, you know, we're not moving, that's  
11          why we are gaining weight.

12          Q.     You said we are gaining weight or they  
13          were gaining weight?

14          A.     We are.

15          Q.     So you included yourself?

16          A.     Yes.

17          Q.     And is that the best recollection you  
18          have of what you said, exactly what you  
19          said, as best you recall it?

20          A.     Yes.

21          Q.     And what was said next?

22          A.     Then Sarah start screaming, raising  
23          her voice.

24          Q.     We can get to the tone, but I want to  
25          know what words that she said.

1

2           A.       She said, In this country we don't  
3           talk like that. It is very common maybe in  
4           your country and that people are  
5           uncivilized, maybe that's how you guys learn  
6           grow up, maybe that's the way you grow up  
7           and that's how you talk like that.

8           Q.       That's your recollection of what Sarah  
9           Hill said?

10          A.       (Witness shook head in response.)

11          Q.       Did she say anything about people in  
12          the U.S. being sensitive about their weight?

13          A.       Yes, she did say that.

14          Q.       So tell me what you recall about that  
15          that she said.

16          A.       That she said people in the U.S. are  
17          sensitive. I don't remember every word. I  
18          don't remember.

19          Q.       Just the words that you remember.  
20          Best you can. Very important.

21          A.       What I remember what she told me that,  
22          you know, in, you know, in this country, in  
23          this country we don't talk like that, maybe  
24          in your country they do, and maybe that's  
25          the way you grow up, and people there are

1

2 uncivilized.

3

4 And that's where I got upset. That's

5

6 Q. What did she say about U.S -- people  
7 in the U.S. being sensitive about their  
8 weight?

9

10 A. I don't remember.

11

12 Q. Do you remember her saying anything  
13 about people in the U.S. being sensitive  
14 about their weight? Because two minutes ago  
15 you told me that you recall she said that.

16

17 A. I don't remember. I don't remember.  
18 Q. Okay. Do you recall that you went to  
19 the EEOC and filled out a complaint?

20

21 A. My lawyer did.

22

23 Q. And when you filed that EEOC  
24 complaint, do you recall whether you said in  
25 that complaint that you had said what you  
said about you getting fat?

26

27 Did you include that in your EEOC

28

29 complaint?  
30 A. Yes.  
31 Q. Have you looked at your EEOC complaint  
32 recently?

1

2           A.       No.

3           Q.       And in the complaint in this action it  
4           says nothing about you having said what you  
5           said first.

6                    Do you recall whether it's in your  
7           complaint that you first said you're all  
8           getting fat, including yourself?

9                    MR. VALLAS:  Objection to  
10           form.

11          A.       I said, We're all gaining weight, yes.

12          Q.       But did you put that in your complaint  
13          in this action?  Do you know?  Do you  
14          recall?

15          A.       I don't remember.

16          Q.       Okay.  And when you were reporting  
17          what happened to the EEOC, you were doing  
18          your absolute best to tell all the facts  
19          relevant to your complaint; correct?

20          A.       Yes.

21          Q.       And you signed that complaint, you  
22          understand that you signed it under penalty  
23          of perjury?

24          A.       Yes.

25          Q.       In your experience, are people in the

1

2 U.S. sensitive about their weight?

3 A. I'm a U.S. person, too. I'm a U.S.

4 citizen. I am one of you.

5 Q. Okay. I didn't say otherwise.

6 I'm asking you, in your experience,

7 are people here sensitive about their

8 weight?

9 A. I think everybody's sensitive about

10 their weight.

11 Q. It's a universal issue; right?

12 A. It's a universal issue.

13 Q. So if you know it's a universal issue,

14 why would you say that to people you work

15 next to?

16 MR. VALLAS: Objection.

17 A. Because we did walk together. We

18 joke -- joke. We walk lunchtime. We talk

19 about different stuff and, you know, the

20 weight it wasn't for them, it was for me

21 too.

22 Q. So you were just saying to them that

23 they were gaining weight for your own

24 benefit?

25 A. I said we, we. We are gaining weight.

1

2 Q. Were you gaining weight at the time?

3 A. Yes.

4 Q. And if Joe or Jake said Hey, you know,  
5 you really look like you're getting fat,  
6 would that have hurt you?

7 MR. VALLAS: Objection.

8 A. Of course it will hurt.

9 Q. So would you expect that if you said  
10 it to other people it would hurt those other  
11 people?

12 A. I didn't say it to one individual. I  
13 said we.

14 Q. But you're talking with Joe and Jake;  
15 right?

16 A. Us. Us. All three of us.

17 Q. So you said all three of us are  
18 getting fat; right?

19 A. Yes.

20 MR. VALLAS: Objection.

21 BY MR. EBERT:

22 Q. I'm sorry?

23 A. Yes. We are. We are.

24 Q. Would you expect if you said, We are  
25 getting fat, that that would hurt them or



1

2           that would be unpleasant for them to hear  
3           from you?

4                           MR. VALLAS:  Objection.

5           A.     That wasn't about hurting anybody.

6           Q.     But could you imagine that by saying  
7           that to somebody, and weight sensitivity  
8           now, as you said, it's universal around the  
9           world, and if you said to somebody, You're  
10          getting fat, would you expect that person to  
11          be hurt by that or feel like you had said  
12          something inappropriate?

13                          MR. VALLAS:  Objection.

14          A.     I never said the person is getting  
15          fat.

16          Q.     What did you say?

17          A.     I said, We are gaining weight.

18          Q.     We are gaining weight.  Okay.

19                  So would you expect that if you say to  
20          somebody, We are gaining weight, that they  
21          may be hurt by that?

22          A.     No.

23          Q.     Would you be hurt by that if I said  
24          that to you?

25          A.     I watch my diet.  I would do more

1

2 exercise.

3 Q. Right. But if I said that to you,  
4 would that be hurtful to you?

5 A. I don't know.

6 Q. Has anybody ever told you that you  
7 look fat or you're gaining weight?

8 A. I heard a lot.

9 Q. Did anybody ever say that to you?

10 A. Yes.

11 Q. Who said that to you?

12 A. At work?

13 Q. Anywhere.

14 A. My son would tell me, Mom, you're  
15 gaining weight.

16 Q. Did it hurt you when he said that?

17 A. No, because I know they were talking  
18 about my health.

19 Q. Anybody else say that you were gaining  
20 weight?

21 A. Some friend.

22 Q. And how did that feel to you?

23 A. We try to work together, walk  
24 together, jog together.

25 Q. But did you feel good about her

1

2       telling you that she thought you were  
3       gaining weight?

4       A.     They were my friend. They were honest  
5       to me.

6       Q.     But did you feel good about hearing  
7       that?

8       A.     It didn't make me sad.

9       Q.     What did it make you feel like?

10      A.     I felt like I got to watch myself.

11      Q.     If George came in here and said, Hey,  
12      David, you know, you look like you gained  
13      weight since I saw you a couple of weeks  
14      ago, would you expect me to be hurt by that?

15      A.     I don't know.

16      Q.     What's your expectation?

17      A.     I don't have an expectation.

18                   MR. VALLAS: Objection.

19   BY MR. EBERT:

20      Q.     In your general experience of living,  
21      you can't tell me if you told somebody that  
22      they're fat whether that might make that  
23      person feel uncomfortable or hurt?

24                   MR. VALLAS: Objection.

25

1

2 BY MR. EBERT:

3 Q. That's not something you can testify  
4 to?

5 A. I don't tell people they're fat.

6 Q. I know. I know. Why don't you tell  
7 them they're fat?

8 A. Because it's none of my business.

9 Q. Right. So if it was none of your  
10 business, why did you say that to Joe and  
11 Jake?

12 MR. VALLAS: Objection. She  
13 already testified she didn't  
14 say they were getting fat.

15 BY MR. EBERT:

16 Q. They were gaining weight.

17 A. I said we.

18 Q. Why did you say that to them? Why  
19 didn't you just say, Hey, I'm gaining  
20 weight?

21 A. I said, We are gaining weight.

22 Q. Why?

23 A. We were just talking.

24 Q. Okay. Is that something you usually  
25 say in general conversation just talking,

1

2       you say, Hey, you're gaining weight. Is  
3       that a common thing for you to say?

4       A.     We were friend. We were talking.

5       Q.     They were people you work with;  
6       correct?

7       A.     We work, yes, together.

8       Q.     Do you think it was appropriate for  
9       you to say we're gaining weight? Was that  
10      an appropriate thing to say in a workplace?

11               MR. VALLAS: Objection.

12      Q.     Can't we agree that that was an  
13      inappropriate thing for you to say in a  
14      workplace?

15               MR. VALLAS: Objection.

16      A.     We were talking.

17      Q.     That's not the question.

18               Can you and I agree that what you said  
19      to them --

20      A.     No comment.

21      Q.     -- is that we are all gaining weight,  
22      that was an inappropriate remark for one  
23      worker to say to a co-worker, would you  
24      agree with me on that?

25      A.     I did not make a remark to one person.

1

2 I said we.

3 Q. I want to know whether you agree or  
4 don't agree. Was that an inappropriate  
5 thing for you to say to people you work  
6 with?

7 A. I don't have a comment.

8 Q. Okay. So you said the remark and then  
9 Sarah Hill said what she said, which you  
10 testified about.

11 Can you tell me once more, best you  
12 can, what she said, what Sarah said?

13 You're suing my clients for a lot of  
14 money. This is very, very important that  
15 you get this right, or you get this  
16 accurately.

17 A. From what I remember, Sarah said, In  
18 this country, we don't talk like that.  
19 Maybe it is, you know, in your country, you  
20 know --

21 Q. I'm sorry?

22 A. She said, In this country we don't  
23 talk like that. Maybe in your country the  
24 people talk like that. You are uncivilized.

25 And that's where I got upset.

1

2 Q. And that's everything you recall her  
3 saying?

4 A. That's what I remember.

5 Q. And what did you say to her in  
6 response; if anything?

7 A. I told her, you know, What my  
8 nationality had to do with that? If my  
9 nationality affect her that way I will  
10 gladly resign.

11 Q. Was it untrue that people generally  
12 don't talk about each other's weight?

13 MR. VALLAS: Objection.

14 BY MR. EBERT:

15 Q. Particularly with co-workers. Wasn't  
16 that a true statement?

17 A. They told me the same thing. We never  
18 made a big deal over that issue. We  
19 talked --

20 Q. But I'm asking you a different  
21 question.

22 MR. EBERT: Can you read back  
23 the question, please?

24 (At which time, the following  
25 portion of testimony was read back

1

2

by the stenographer:

3

QUESTION: Was it untrue that

4

people generally don't talk about

5

each other's weight?

6

Particularly with co-workers.

7

Wasn't that a true statement?

8

MR. VALLAS: Objection to the

9

extent it mischaracterizes the

10

witness' earlier testimony

11

about what was said.

12 BY MR. EBERT:

13

Q. Can you respond to the question?

14

A. No comment.

15

Q. What does "no comment" mean?

16

MR. VALLAS: Can we take a

17

quick break?

18

MR. EBERT: Sure.

19

(Recess held from 3:04 P.M. until

20

3:09 P.M. )

21

MR. VALLAS: I believe

22

there's a pending question.

23

MR. EBERT: She said "no

24

comment."

25

MR. VALLAS: Okay.



1

2 BY MR. EBERT:

3 Q. You've worked many different places  
4 for a long period of time; correct?

5 You've been working approximately how  
6 many years of your life?

7 A. I've been working a long time.

8 Q. Okay. And in your experience working  
9 all those years, do you find that co-workers  
10 generally stand outside cubicles and make  
11 comments to each other about gaining weight?  
12 Is that something you've come across a lot  
13 in your work experience?

14 MR. VALLAS: Objection.

15 A. Yes.

16 Q. Tell me other instances where that's  
17 happened, in your experience.

18 A. It happened at some of us would be  
19 standing together. You talk about, you  
20 know, weight, they talk about their health,  
21 we talk about our health, how to lose  
22 weight, to keep ourselves healthy, to cut  
23 down on French fries, fattening stuff,  
24 eating those things.

25 Q. Just one example where somebody said

1

2 to another co-worker, You're gaining weight,  
3 or, You're getting fat; do you recall any  
4 instances like that?

5 A. Yes.

6 Q. Tell me about it. Tell me one example  
7 of that.

8 Who was there? Where was it? Where  
9 were you?

10 A. The simple example when I work at  
11 Shenandoah School District.

12 Q. You were a teacher?

13 A. Yes. I teached [sic] the computer  
14 lab.

15 Q. And what happened?

16 A. One of the, you know, that come in one  
17 of the teacher say that to another and, you  
18 know, they said we could, you know, we could  
19 give each other walk together to lose weight  
20 because the person had a health issue.

21 Telling them, you know, Look, you got to  
22 watch it, you know, gaining weight. Start  
23 certain thing to, you know.

24 Q. How long ago that was?

25 A. About 10 years, 11 years ago.

1

2           Q.     Were there any other experiences where  
3           you had one co-worker say to another, You're  
4           gaining weight, or, You're getting fat?

5           A.     About three years ago when I worked at  
6           generator.

7           Q.     What happened?

8           A.     Nothing. Same thing, you know.

9           Q.     Who was there?

10          A.     Some of the -- some of the co-worker.

11          Q.     Do you remember any names?

12          A.     Just the co-worker.

13          Q.     Do you remember a name?

14          A.     I am not very good with names.

15          Q.     So you don't remember the name?

16          A.     I know them by faces.

17          Q.     Okay. Do you remember where it was?

18          A.     We were standing, you know, like a  
19          bunch of us talking to each other and, you  
20          know.

21          Q.     And what was said?

22          A.     The same thing, that you're gaining  
23          weight, you know.

24          Q.     And how did the person who heard  
25          somebody tell him or her that they were

1

2       gaining weight react to that?

3       A.     As a friend we care about each other  
4       and it really didn't affect us that way, you  
5       know. We thought we're helping each other  
6       to lose weight.

7       Q.     Do you believe Sarah is a racist;  
8       Sarah Hill?

9       A.     I don't know.

10      Q.     Do you believe she's prejudice against  
11      any particular nationality, background,  
12      color, religion?

13             Is that your experience with her?

14      A.     I don't know.

15      Q.     You and she had done some personal  
16      things together; correct?

17      A.     I invite her. When I had a Christmas  
18      party I invite her, her sister, her  
19      boyfriend over for dinner.

20      Q.     Right. At the time you invited them,  
21      you didn't think she was a racist or  
22      prejudice; correct?

23             MR. VALLAS: Objection.

24      A.     I don't -- I don't have my mind set up  
25      like people are prejudice or racist because

1

2 I look at myself as one of you.

3 Q. As do I. But I don't know what that  
4 has to do with anything.

5 A. When I look at myself, I am U.S.  
6 citizen. I am American. Why would I think  
7 anybody would be prejudice against me?

8 Q. Okay. Any other personal things that  
9 you did with Sarah?

10 A. We went -- you know, one time all the  
11 whole group we went out for a drink.

12 Q. Those are the only two things you  
13 remember?

14 A. Maybe one time four of us went to  
15 lunch.

16 Q. Did she express concern about any  
17 events in your life?

18 A. Like what?

19 Q. I don't know. Like anything.

20 Do you recall her expressing anything  
21 expressing concern about you or expressing  
22 concern about something that was happening  
23 in your life?

24 A. Yes, she did. One time.

25 Q. Why don't you tell me about that.

1

2           A.     My mother fell down. She went in a  
3           coma.

4           Q.     And what was Sarah's --

5           A.     And I had an e-mail from my sister  
6           telling me that she was in a coma, she was  
7           in the hospital and I was emotional.

8           Q.     And what did Sarah do in response?

9           A.     She said, I'm sorry. Go for it. I'll  
10          send an e-mail to Pete Nelli and Kathleen  
11          Bokan.

12          Q.     Pete Nelli and who was the other?

13          A.     Kathleen Bokan.

14          Q.     Okay. I think you said something  
15          about after Sarah said this to you, you said  
16          something about resigning?

17          A.     Yes.

18          Q.     What did you say?

19          A.     I said if my nationality affects you  
20          so bad, I will gladly resign.

21          Q.     Why did you say that?

22          A.     You were not born in another country.  
23          I was.

24          Q.     How do you know where I was born?

25                   MR. VALLAS: Do you want to

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take a break?

THE WITNESS: Yes.

MR. VALLAS: Let's take just  
five minutes.

(Recess held from 3:16 P.M. until  
3:17 P.M. )

MR. VALLAS: Not sure if  
there was a pending question or  
not.

MR. EBERT: I asked how the  
witness knows where I was born  
or in what country I was born.

MR. VALLAS: Are you ready to  
go?

A. You don't have accent. I do.

Q. And that's the only reason you think I  
was born in this country?

A. I don't know where you were born.

Q. Correct.

A. You know, but based on you don't have  
an accent, I do. That's all I could...

Q. So you assume anyone who doesn't have  
an accent was born in this country?

MR. VALLAS: Objection.

1

2           A.     I don't know.

3           Q.     But I'm still not clear why you said  
4           to Sarah you will gladly resign?

5           A.     When someone insult me or tell me that  
6           they're, you know, in your country where  
7           you're born, you know, in your country  
8           they -- they --

9                   When somebody make the kind of comment  
10           she did, I'm assuming they are -- my  
11           nationality can affect them so bad that they  
12           do make these kind of comments.

13          Q.     But why would you agree to resign just  
14           because of something she said?

15          A.     The way it was said. The way it was  
16           said.

17          Q.     Why would you agree to resign in  
18           response to that?

19          A.     Why would I want to work someplace  
20           that people hate me because of my  
21           nationality?

22          Q.     Who do you believe hated you because  
23           of your nationality?

24          A.     When people make this type of comment,  
25           you know, they basically giving their true



1

2 feeling.

3 Q. Did you believe that Sarah hated you  
4 because of your nationality?

5 A. Yes.

6 Q. When did she first come to hate you  
7 because of your nationality?

8 A. When people make this type of comment,  
9 usually they will.

10 Q. When you invited her to your home, did  
11 she hate you because of your nationality?

12 MR. VALLAS: Objection.

13 A. I never told anybody where I'm from  
14 before.

15 Q. Before when?

16 A. Before this thing happened with -- you  
17 know, before she came to my house.

18 Q. Okay. And then did you tell her where  
19 you were from or where you were born when  
20 she came to your house?

21 A. The conversation came when my mother  
22 went in a comma, when --

23 My father is an old man. He's 91. He  
24 had Alzheimer and I had to go help him, and  
25 that's when she find out.

1

2 Q. And when was that?

3 A. I don't remember, recall exact date.

4 Q. Do you remember a month or a year?

5 A. Maybe a couple months, two, three  
6 months after. I don't recall it. I cannot  
7 give you exact date.

8 Q. A year?

9 A. I don't recall. I don't remember.

10 Q. Was it before the dinner at your house  
11 or after the dinner at your house?

12 A. I don't remember.

13 Q. You don't know which came first.

14 So whenever you said it, just what did  
15 you say to Sarah about your nationality,  
16 where you were born? What did you say?

17 A. I don't talk about where I'm born,  
18 what my nationality. In general, when  
19 people ask me where I'm from, I will say  
20 Clifton Park.

21 Q. Okay. But you believe Sarah came to  
22 hate you because of your nationality; right?

23 A. Yes.

24 Q. Okay. I want to know when you told  
25 her your nationality.

1

2           A.     I don't recall the date.

3           Q.     And as soon as you said that, did she  
4           say something or do something to make you  
5           believe she hated you because of your  
6           nationality?

7           A.     I don't think so. I don't know.

8           Q.     So what makes you think she hated you  
9           based on your nationality? I'm not  
10          understanding that.

11          A.     I don't know. I don't have answer for  
12          that.

13          Q.     Okay. After this incident happened --  
14                  I'm sorry. So you said to Sarah, I'll  
15          resign, whatever the words were, I'm not  
16          pretending to quote you. But after you said  
17          that, what happened next with respect to  
18          this incident?

19          A.     I went to see Pete Nelli and Kathleen  
20          Bokan.

21          Q.     Immediately after you said you would  
22          resign you went to them?

23          A.     Immediately, yes.

24          Q.     And what did you say to them?

25          A.     They weren't in their cube.

1

2           Q.     So what did you do after you went to  
3           their cube and found they weren't there?

4           A.     I came back.

5           Q.     Came back where?

6           A.     To my cube.

7           Q.     And did what or said what?

8           A.     And I went talk to Jake.

9           Q.     Who is Jake?

10          A.     Jake Tefft. He worked for GID Group.

11                   And I told him I'm thinking about  
12          resigning.

13                   He told me to go home, just you know,  
14          relax, we'll talk about it later. Just  
15          don't do anything, and I left.

16          Q.     What did you tell him?

17          A.     He was there. He saw everything.

18          Q.     Did you say anything about what had  
19          happened?

20          A.     He was there.

21          Q.     I understand. But did you say  
22          anything to him about what had happened?

23          A.     I don't understand your question.

24          Q.     Okay. So you went there, they weren't  
25          at their cubicles, and then you went

1

2       straight home?

3       A.     I went, talked with Jake.

4       Q.     I'm sorry, you talked to Jake, and  
5       then you went straight home?

6       A.     He told me to go home. I went home,  
7       yes.

8       Q.     What time of day was that?

9       A.     Approximately 4:30.

10      Q.     And the next day you weren't scheduled  
11     to work; correct?

12      A.     Correct.

13      Q.     So you obviously didn't work that day.

14             On that day after this happened, did  
15     you make any notes to yourself about what  
16     had happened?

17      A.     I told my husband.

18      Q.     Did you make any written notes about  
19     what had happened?

20      A.     No.

21      Q.     And what did you tell your husband?

22      A.     Everything happened.

23      Q.     Tell me what you told him.

24      A.     Exactly what I told you, about Sarah  
25     said to me, what was that conversation, what

1

2 Sarah told me and I tried to go talk to Pete  
3 Nelli and Kathleen Bokan. They weren't  
4 there. Talked to Jake, and he told me to go  
5 home, relax, and we'll talk about it later.

6 Q. Okay. Do you recall looking at Sarah  
7 while this was happening and asking her if  
8 you had said anything wrong?

9 A. No.

10 Q. Okay. So what happens next with  
11 regard to your employment at GID?

12 A. Repeat it again.

13 Q. What happened next regarding your  
14 employment?

15 Did you go back to work on Monday?

16 A. Yes.

17 Q. What happened on Monday relating to  
18 this incident?

19 A. Jake and Tom was waiting for me when I  
20 got there.

21 Q. Yes?

22 A. They said they're going to have a  
23 meeting.

24 Q. Yes?

25 And did they say what it would be

1

2           about?

3           A.     About the incident what happened.

4           Q.     Is that all they said, We're going to  
5           have a meeting?

6           A.     Yes. They said, We're going to talk  
7           about it. They were really sincere.

8           Q.     Who was going to be at that meeting,  
9           the three of you or just the two of them?

10          A.     Me, Jake and Tom.

11          Q.     So they said, We're going to have a  
12          meeting.

13                 Did you say, When are we going to have  
14          a meeting?

15          A.     8:30 we went to the meeting room.

16          Q.     Okay. And what happened in the  
17          meeting room?

18          A.     They talk. I think Tom told me that  
19          they text or e-mailed Jose Garcia. They  
20          told him what happened, and they understand  
21          the discrimination happened.

22                 They told me Jose said, Soheila, I  
23          will make it up to you and not to worry  
24          about that, he's very sorry.

25                 They told me I don't have to deal with

1

2 Sarah. I don't have to talk to her. I  
3 don't have to, you know, answer her  
4 question.

5 Q. You heard this or this is what Tom was  
6 telling you Jose had said?

7 A. That's what Tom told me Jose said.

8 Q. So Tom told you Jose said he  
9 understands that you had been discriminated  
10 against?

11 A. Yes.

12 Q. Those were Tom's words?

13 A. Yes.

14 Q. What was the discrimination at that  
15 point?

16 What had happened that was  
17 discriminatory at that point?

18 Had you been fired by that point? Had  
19 anybody said you had been fired?

20 MR. VALLAS: Objection to the  
21 extent it's calling for a legal  
22 conclusion.

23 BY MR. EBERT:

24 Q. Had anybody told you at that point you  
25 had been fired?



1

2           A.       No.

3           Q.       So what was the act of discrimination?

4                   MR. VALLAS:  Objection.  Same  
5                   grounds.

6           A.       My nationality.  People being stupid  
7           in that country.

8           Q.       She said they were stupid?

9           A.       I'm sorry, uncivilized.  Not stupid,  
10          uncivilized.

11          Q.       That was the discriminatory act?

12          A.       That's what they told me.  That's --  
13          they told me they understand it and they  
14          sympathize with me.

15          Q.       Who sympathized with you?

16          A.       That's what Tom told me, Tom and Jake.  
17          They were both sitting at the desk.

18                   I don't exactly remember  
19          word-for-word, but it's the one thing I  
20          remember, which calmed my down, actually.

21                   Those are the conversations what they  
22          said to me.

23          Q.       You said that they had told you that  
24          somebody had texted or e-mailed Jose?

25          A.       They said they had text or e-mailed

1

2 Jose.

3 Q. Did they say they talked to him or  
4 they texted him or e-mailed him?

5 A. I don't remember text or I cannot  
6 recall that.

7 Q. Okay.

8 A. But I know they said, you know,  
9 through text or e-mail, you know, one of  
10 those, they talked with Jose.

11 Q. And what day was that? Just so I make  
12 sure we're in the right place.

13 A. The same day, Wednesday -- Thursday  
14 afternoon, after I left.

15 Q. So that was the day it happened?

16 A. Yes.

17 Q. Okay. I got confused. I thought this  
18 happened the following week.

19 MR. VALLAS: Just as a point  
20 of clarification, I believe the  
21 witness is referring to when  
22 she believes the two employees  
23 talked to Jose, not when the  
24 meeting happened.

25 THE WITNESS: Meeting

1

2

happened on Monday.

3

BY MR. EBERT:

4

Q. And you believe those two employees

5

talked to Jose on when? When? The Thursday

6

when it happened?

7

A. Yes.

8

Q. And you said you met with them at

9

8:30 in the morning on Monday?

10

A. Monday, yes.

11

Q. Did you try to contact Jose over the

12

weekend?

13

A. No.

14

Q. Why not?

15

A. I thought that thing going to blow

16

over and not be a big issue and I could --

17

I had this kind of thing happen so

18

many times in my life.

19

THE WITNESS: I just need a

20

minute.

21

MR. VALLAS: Would you like

22

to take a break.

23

THE WITNESS: No.

24

A. I had this kind of comment so many

25

time in my life I could let that go.

1

2

MR. EBERT: Can you read the  
question, please?

3

4

(At which time, the following  
portion of testimony was read back  
by the stenographer:

5

6

7

QUESTION: Did you try to contact  
Jose over the weekend?

8

9

ANSWER: No.

10

QUESTION: Why not?)

11 BY MR. EBERT:

12

Q. He was like family to you; right?

13

A. Yes.

14

Q. So why wouldn't you call somebody who  
was like family to you over those three days  
to talk to about what had happened?

15

16

17

A. It doesn't feel good when somebody  
pick on your nationality, and especially  
when you're on top of the news at times.

18

19

20

Excuse me. I have to take a couple  
minutes' break.

21

22

Q. Okay. That's fine.

23

(Recess held from 3:30 P.M. until

24

3:34 P.M. )

25

MR. EBERT: Read it back.

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12

13 BY MR. EBERT:

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(At which time, the following  
portion of testimony was read back  
by the stenographer:

QUESTION: So why wouldn't you  
call somebody who was like family to  
you over those three days to talk to  
about what had happened?

ANSWER: It doesn't feel good when  
somebody pick on your nationality,  
and especially when you're on top of  
the news at times.

Q. I agree with that, but why wouldn't  
you call Jose over those three days to ask  
him what was going on and what he knew, what  
was going to happen with you or what was  
going to happen with Sarah?

Why didn't you call him?

A. I thought it was going to blow over  
because I heard these type of comments  
before. It wasn't about nationality, it was  
about my age, and I thought it would blow  
over.

Q. Wait a minute. She made a comment

1

2 before about your age?

3 A. Yes.

4 Q. What did she say?

5 A. That I was too old.

6 Q. And how did you feel about that?

7 A. I let it go.

8 Q. Did it hurt you when she said that?

9 A. Did it hurt me? No. I think I earned  
10 my age. That doesn't mean I'm dead.

11 Q. I agree with that.

12 Tell me about that incident. When did  
13 that happen?

14 A. It happened many times about my age.

15 Q. When?

16 A. It happened many times. I remember  
17 Kathleen Bokan was standing there and I  
18 don't know what was our conversation, and I  
19 said, Well, I think this is the way we  
20 should both do it. You know, I cannot quote  
21 exact word what we were talking about, but  
22 then she turned around and said, very  
23 seriously, Well, you're old. You don't  
24 understand.

25 And I looked at her. I was shocked.

1

2 And Kathleen just turned her face. You  
3 know, she just walked away.

4 And I just look at her. I didn't know  
5 what to say.

6 And I turned around, I said, Well, you  
7 know, I earned my age, and I went back to my  
8 desk.

9 Q. How many times did that happen that  
10 she remarked about your age?

11 A. More than once.

12 Q. How many times, many times?

13 A. Many times.

14 Q. What would she do, just walk up to you  
15 and say you were old? How would this come  
16 up?

17 A. Well, if I was talking to somebody or,  
18 I mean, you know, would be maybe like I'm  
19 talking to somebody or, certain thing will,  
20 I don't know, some subject we would talk  
21 about, Oh, you're too old. You don't  
22 understand.

23 Q. Do you know how old Sarah is?

24 A. I know I had a cake for her for her  
25 35th birthday. She should be around 37,

1

2 I'm not sure.

3 Q. So the three days go by, you come back  
4 on Monday, have this meeting at 8:30 Monday  
5 morning. What happens after that meeting?

6 A. That meeting they told me I don't have  
7 to deal with her, don't have to work with  
8 her, and, you know, then they told me, what  
9 I said, they took me out to lunch.

10 They took me out to lunch and at  
11 lunchtime we didn't talk about it, and the  
12 only comment I made to them was, I don't  
13 know how that's going to work, they said  
14 okay, and that was it.

15 Q. You said you don't know how it's going  
16 to work being separated from Sarah?

17 A. I said, you know, we work together.  
18 How can that be possible we're sitting  
19 across to each other not to be civilized to  
20 each other, you know.

21 Q. Did either one of them respond to  
22 that?

23 A. I don't remember. I cannot recall.

24 Q. So you went to lunch. What happened  
25 after lunch?



1

2 A. Came back to work, sat down at my  
3 desk, and my headache was really bad and I  
4 finished the day and I went home.

5 Q. Did you have any contact with Sarah?

6 A. No.

7 Q. But she sat -- she was there, sitting  
8 right near you?

9 A. Yes. Like my desk is here, and her  
10 cube was there.

11 Q. Okay. So you went home, and what do  
12 you recall happening next regarding your  
13 employment at GID?

14 A. I get a lot -- I get migraine, you  
15 know, when I go through a lot of headache --  
16 stress I get migraine really bad.

17 The next day I call them and I left a  
18 message for Jake that I won't be at work.  
19 That was Tuesday. Then Wednesday I went to  
20 work.

21 Q. The meeting was on Monday. You called  
22 in sick on Tuesday?

23 A. Yes.

24 Q. And then you went to work on  
25 Wednesday?

1

2           A.       Yes.

3           Q.       Was the migraine the only reason you  
4           called in sick on Tuesday?

5           A.       Yes.   Because sometimes when I take  
6           medicine it will make me drowsy.

7           Q.       Do you remember when you said in your  
8           EEOC complaint about why you called in sick  
9           on Tuesday?

10          A.       I don't know, no.

11          Q.       What happened?   So you went back on  
12          Wednesday, and what happened on Wednesday?

13          A.       I started doing my work, and then I  
14          get the e-mail from Jose Garcia.

15          Q.       Yes.

16          A.       He said, I just read the, you know, I  
17          quickly look at it, basically, that  
18          statement.

19                    I think that's what it said, that, you  
20          know, my job is terminated, he'll call me,  
21          we will have a conference call.

22          Q.       And what happened next?

23          A.       I went talked to Pete Nelli and I  
24          asked -- I asked Jake and Tom, What's going  
25          on?

1

2           They said they're not aware that they  
3           are letting me go.

4           I went talk to Pete Nelli and Kathleen  
5           Bokan.

6           Q.     Is Jake a GID employee or GE employee?

7           A.     GID.

8           Q.     So when you called in sick, you called  
9           a GID employee.

10           Did you call in sick to any GE  
11           employee?

12           A.     Through GID they usually send -- you  
13           know, pass the information.

14           Q.     I understand. But the question was,  
15           Did you call anybody or e-mail anybody at GE  
16           to say you wouldn't be in that day?

17           A.     I called at GE to Jake.

18           Q.     Besides calling Jake, did you call  
19           anybody else at GE?

20           A.     No.

21           Q.     All right. So you got this e-mail,  
22           and what did you do after getting the  
23           e-mail?

24           A.     I went talked to Pete Nelli.

25           Q.     I'm sorry, yes, you went to Pete

1

2 Nelli.

3

And what happened then?

4

A. I asked him whether he was aware of

5

that they are letting me go.

6

Q. And what did he say?

7

A. No.

8

Q. Did you believe him?

9

A. Yes.

10

Q. You believed that they didn't know, as

11

of that date, that you had been terminated;

12

right?

13

A. Yes.

14

Q. Anything else happen in that

15

conversation?

16

A. They told me I should go talk to

17

Jared, and three of us walked to Jared's

18

office.

19

Q. The three of you walked to Jared's

20

office.

21

Did they say why you should speak to

22

Jared?

23

A. They wanted to know why, you know.

24

They wanted -- they said they didn't know,

25

they wanted -- you know, they said, Let's go

1

2 find out what happened.

3 Q. Okay. So did you go to Jared's  
4 office?

5 A. Yes.

6 Q. And what was said in Jared's office?

7 A. I asked him if he knows about they  
8 letting me go.

9 He told me he doesn't care.

10 I was upset.

11 He told me he doesn't care, it is not  
12 his concern, and I'm not -- I'm not a GE  
13 employee. It doesn't matter what happens to  
14 me.

15 I think I asked him, What about as a  
16 human? Don't you even think about when  
17 something go wrong like that as a human you  
18 don't care?

19 And he said, No, and I walk out of his  
20 office.

21 Q. You walked out of his office?

22 A. (Witness shook head in response.)

23 Q. Did he say that he knew you had been  
24 terminated at that point?

25 A. I don't remember.

1

2 Q. Was your impression that he knew --

3 A. Yes.

4 Q. -- as of that point that --

5 A. Impression, yes.

6 Q. I have to finish the question.

7 Was it your impression, at that point,

8 that Jared knew you had been terminated?

9 A. Yes.

10 Q. And what's the basis for that?

11 A. Language; body language.

12 Q. What body language did you observe

13 that made you think he knew?

14 A. Just looking at him, his face

15 expression.

16 Q. So by his face, the expression on his

17 face, you concluded that he knew that you

18 had been terminated; right?

19 A. Yes.

20 Q. Anything else?

21 A. I think that day, actually, at

22 12 o'clock, 12:30 --

23 Q. I'm sorry, you did what? I missed

24 that.

25 A. I think the same day something -- but,

1

2       yes, by his face expression and the comment  
3       he gave me.

4       Q.     The comment being he didn't care about  
5       you, you weren't a GE employee, that  
6       comment?

7       A.     Yes.

8             And it doesn't matter what happens to  
9       me.

10      Q.     Was it true that you weren't a GE  
11      employee?

12      A.     I worked for GE. I had the cube at  
13      the GE. I had my e-mail there. The way I  
14      look at it, I am -- you know, maybe, you  
15      know, like I'm doing all the GE's work, you  
16      know. My paycheck is not coming from GE,  
17      but I'm working there.

18      Q.     So you thought you were a GE employee  
19      because of where you were sitting and the  
20      work you were doing; right?

21      A.     You have to believe in that to be able  
22      to do the right job for them.

23      Q.     You have to believe that they're your  
24      employer to do the right job for them?

25      A.     Yeah. You know, you care about, you

1

2 know, where you work. GID pays my check and  
3 I work for them.

4

5 Pete Nelli was my GE manager and I  
6 always talk to him, you know. They were the  
ones training me.

7

Q. Why would GID pay your salary if you

8

were a GE employee?

9

A. I don't know.

10

Q. Did you ever ask that question of

11

Jose, Why are you paying me if I'm an

12

employee of GE?

13

A. No.

14

Q. Okay. So what do you recall happening

15

next?

16

A. Next I got back to my cube.

17

So they called and I asked him on the

18

phone, I said, You letting me go even after

19

I been discriminated with Sarah Hill.

20

And he said, Yes. Pack your stuff,

21

leave your badge and go.

22

Q. Who said that?

23

A. Jose Garcia.

24

Q. Okay.

25

A. I hung up the phone, I packed my



1

2           stuff.

3

          Jake and Tom walked with me outside,  
4           they gave me a phone number for Jake -- for  
5           Jose and I came home.

6

Q.     He gave you a phone number for Jose?

7

A.     Yes.

8

Q.     Didn't you have his office number?

9

A.     At work e-mail I had. I had it in my  
10       e-mail, but not with me. Not in my cellular  
11       phone, things like that.

12

Q.     Oh, so he gave you his cell phone  
13       number?

14

A.     He gave me the number in Mexico.

15

Q.     Then you went home?

16

A.     I went home.

17

Q.     What happened next in regards to your  
18       termination?

19

A.     I called. I called Jose.

20

Q.     When?

21

A.     When I got home.

22

Q.     That same day?

23

A.     That same day.

24

Q.     Yes.

25

A.     I told him I'm very disappointed at

1

2 him.

3 Q. Right.

4 A. I said, This is the second time GE has  
5 done it to me.

6 Q. Has done what to you?

7 A. Discriminated me.

8 Q. What was the first time?

9 A. The first time?

10 Okay. The first time happened at the  
11 generator when I work at Building 273.

12 Q. When was that?

13 MR. VALLAS: Would you like  
14 to take a break?

15 THE WITNESS: Yes.

16 MR. VALLAS: Let's step  
17 outside.

18 THE WITNESS: I'm okay. I'm  
19 okay.

20 MR. VALLAS: Are you sure?

21 THE WITNESS: Yes.

22 A. I -- at that time I worked for Kevin  
23 Layton.

24 Q. When was that?

25 A. A year before that.

1

2 Q. A year before what?

3 A. The one before I start working for GID  
4 Group.

5 Q. So what was the discrimination?

6 A. One of the lady there, they -- she  
7 moved from the steam to the generator and  
8 the company went through the reorganization  
9 and they brought these two people. Some of  
10 the people got changed, you know, they moved  
11 the people around. They brought the people  
12 from the steam to the, you know, steam was  
13 on the second floor, there was -- generator  
14 was on the third floor. They brought them  
15 up.16 I think the CEO, I think they called  
17 them, CEO, I don't know, general manager for  
18 that group.19 And the lady, she was doing the work  
20 on the budget. I don't remember her name  
21 either, and I can get it for you, but right  
22 now I don't remember it. We both work on  
23 budget, you know.24 And I did most of my work were for  
25 Kevin Layton. I did aftermarket for him and

1

2 all the reporting. I did report for his  
3 budget and, you know, like, whatever he  
4 needed, and I did it for generator.

5

6 And when she came and Kevin wanted  
7 thing to be done a specific way and I  
8 understood what he want and I start doing it  
9 what he wanted to be done, you know, the way  
10 he asked me.

11

12 And this lady didn't like it, because  
13 we would have a meeting. It would be  
14 difference between her budget. It would be  
15 like 5,000 or 5 million-dollar difference.

16

17 And Kevin would say, Well, I didn't  
18 spend that much money. And I would bring  
19 the report and show them, okay, where the  
20 money's going.

21

22 And she didn't like it, because she  
23 thought I was challenging her. And one day  
24 she stop me, after, like, 4, 4:30, and she  
25 really start coming after me, telling me  
that I'm stupid, I have an accent, I don't  
understand it.

26

27 If I don't follow her or listen to  
28 what she says, being a contractor, you know,

1

2 she would let me go. She have that kind of  
3 power. And she went on and on and on.

4

And I was very upset and I want to  
5 talk to Tony Rye -- Ray (Phonetic Spelling).

6

You know, because by then it was six,  
7 6:30, and I told Tony what happened. I  
8 said, Tony, you know, what am I supposed to  
9 do?

10

He said, Let's calm down.

11

And then I came home and I called one  
12 of my friend, Vickie, Vickie Chen, and her  
13 husband is Joe Collin. I called and I said,  
14 Vickie, this is what this woman is doing.

15

MR. VALLAS: This is what

16

this woman is doing.

17

THE WITNESS: Yes.

18

A. And I, you know, I told Vickie what  
19 happened to me. And, you know, and she --  
20 you know, Joe was coming back that night  
21 from trip someplace. Joe told Vickie what  
22 happened. That lady didn't have a good  
23 reputation at generator. My understanding  
24 nobody could even talk to her because she  
25 was very hard to talk to or communicate

1

2 with.

3

4

5

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And I think Joe stop, and they told me Joe stop and talk to her manager, to that lady's manager, and told her, This is not correct. This is not the way we treat people and this is not the way -- you shouldn't pick on her for her accent or nationality or whatever. This has got to stop.

And then the next thing I knew that HR got involved and, you know, the Granite got involved. They went through it, and I just did my work.

And then after that they wanted me to work for Mr. Poply (Phonetic Spelling) and I said I wouldn't work for him and I had started working for Kevin Layton and he always been good to me and I just want to keep it up.

And that went on and they were trying to get me to work for Kevin Layton and I know there were so many meetings they had between HR and Granite, and I don't know exactly what happened.

1

2

But they told me, We have to let you

3

go and we'll get you back in three months,

4

and during that time when GID reach me.

5

And that was, you know, the first time

6

when it happened.

7

Q. And what you just described you

8

believed constituted discrimination against

9

you based on your nationality?

10

MR. VALLAS: Objection to the

11

extent that it calls for a

12

legal conclusion.

13

A. (Witness shook head in response.)

14

Q. Is that a yes?

15

A. Yes.

16

MR. VALLAS: Do you want to

17

take break?

18

THE WITNESS: I'm okay.

19

BY MR. EBERT:

20

Q. You told me a little bit ago you

21

didn't tell anybody your nationality until

22

Sarah Hill came to your house. Do you

23

recall saying that?

24

A. Yes, that was --

25

Q. How would they know your nationality

1

2 if you hadn't told anybody your nationality?

3 A. I had a couple of friend and my friend  
4 knew about my nationality.

5 Q. And you think they told the people who  
6 discriminated against you?

7 A. I don't know, but I have an accent,  
8 too. My accent go against me.

9 And Iran being top of the news, if  
10 anybody know I'm Iranian you know, yes.

11 Q. But do they know you're Iranian?

12 A. I assume so.

13 Q. What do you base that assumption on?

14 A. I assume they do know.

15 Q. You assume?

16 A. When I fill out my application, they  
17 ask me, you know, my birthplace or they ask  
18 for paperwork to show -- I have to show them  
19 my American passport, and American passport  
20 say born in Iran.

21 Q. And you think they looked back at your  
22 paperwork to see where you were born?

23 A. I don't know. I don't know.

24 Q. I want to go back to the conversation  
25 with Jared for a second.



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You said that he didn't care about you, didn't like you? Did he say he didn't like you?

A. Yes. He said he doesn't like me, he doesn't care about me. Yes, he said that exact words.

Q. So if he said that and felt that way, why do you think he didn't fire you earlier if you think he had the power to fire you?

A. He was new himself there. Before him, I worked -- you know, there was another lady who had that position.

Q. How long did you work with Jared?

A. I don't remember exact number of the month. Actually, I was trying to think about when he start that job. I couldn't remember it.

Q. I want to go back to this employment issue.

So tell me what entity employed you while you were working on site at GE before you got terminated?

MR. VALLAS: Objection. You can answer.

1

2           A.     Repeat it again.

3           Q.     When you were working on site at GE,  
4           who was your employer?

5           A.     GID.

6           Q.     Okay. What entity paid you for your  
7           work on site at GE?

8           A.     GID.

9           Q.     Did you ever apply directly for a job  
10          with GE?

11          A.     Probably.

12          Q.     When you say "probably," does that  
13          mean you recall or you don't recall?

14          A.     I think I did, yes.

15          Q.     And was that while you were working at  
16          GID?

17          A.     No.

18          Q.     When was that?

19          A.     Couple of years before that.

20          Q.     What did you apply for? What position  
21          did you apply for?

22          A.     I don't remember.

23          Q.     Did you interview with anybody at GE  
24          before starting to work on site on this last  
25          project you worked on before you were

1

2 terminated?

3 A. My first job I was at generator.

4 Tony Array (Phonetic Spelling), he is  
5 the one from GE who interviewed me over the  
6 phone.

7 Q. That was a prior project; right?

8 A. Yes.

9 Q. For this project, did anybody  
10 interview you at GE?

11 A. No.

12 Q. And who told you that you were going  
13 to be working on GE's site for this last  
14 project? Who told you that?

15 A. Jake.

16 Q. Jake told you before Jose told you  
17 that you were going to be working on site at  
18 GE?

19 A. Jake was my contact. He was the one  
20 who approached me for the job at GID.

21 Q. I'm talking about the job when you  
22 were on site at GE.

23 You were working at GE before you were  
24 terminated. That's what I'm talking about.

25 Who told you you were going to be

1

2       working on that project for GE? Jose,

3       right? I'm just trying to get the --

4       A.     No, no. Actually, Toni-Anne --

5       Toni-Anne was the one who tried to come up

6       with the job description and give me a bunch

7       of the list, and then Pete Nelli.

8       Q.     And they told you to report to work on

9       a certain day?

10      A.     That said report to the work was

11      Saturday. That's when I got hired by GID.

12      You know, that's when, you know, and also

13      the GE people. We tried to make the hours I

14      be there the time they need me.

15      Q.     Do you recall exchanging e-mails with

16      Jose in which he told you when to start

17      working at GE on site and what you would be

18      doing?

19             Do you recall e-mails back and forth

20      with him about that?

21      A.     I don't recall.

22      Q.     Okay. Did you sign an employment

23      agreement with either GE or GID?

24      A.     Yes, I did with GE -- with GID.

25      Q.     Did you sign one with GE?

1

2           A.     No.

3           Q.     Did you receive any sort of  
4           orientation when you started on this project  
5           with GE?

6           A.     Explain your question. I don't know  
7           what you're trying to ask me here.

8           Q.     Are you familiar with the word  
9           "orientation --"

10          A.     Yes.

11          Q.     -- when you start a new job?

12          A.     Yes.

13          Q.     Did you have any sort of orientation  
14          from GE when you started on site with GE?

15          A.     They didn't give me any orientation.

16          Q.     Do you know whether they give their  
17          employees orientations generally?

18          A.     I don't know. No, I don't know.

19          Q.     Were you required to respond to any GE  
20          questionnaire before you started with GE?

21          A.     With GID Group when I --

22          Q.     No, with GE.

23          A.     With GE, you know, when I work on the  
24          budget I had to take the test, some kind of  
25          test they give you, and I had to pass that

1

2       one.

3       Q.     GE had the test?

4       A.     Yes.

5       Q.     And what was that test, do you recall?

6       A.     I don't remember it, but I did pass  
7       it.

8       Q.     When did you take that test?

9       A.     The year before or nine months. I  
10       cannot give you exact date, but before I  
11       start working for GID. Last time I work on  
12       the budget.

13       Q.     That's when you were with Granite?

14       A.     Yes.

15       Q.     Were you part of it? Did you  
16       participate in any GE benefits or retirement  
17       programs?

18       A.     No.

19       Q.     Did you ever discuss your salary with  
20       anyone at GE?

21       A.     No.

22       Q.     Do you know if anybody at GE knew your  
23       salary?

24       A.     I think some people did.

25       Q.     Who?

1

2           A.       The co-workers.   Some of the  
3           co-worker, they knew how much I make in an  
4           hour.

5           Q.       How do you know they knew?

6           A.       Because they told me.

7           Q.       They told you what you were making?

8           A.       Yeah.

9           Q.       And these were GID people or GE  
10          people?

11          A.       Well, GID people and GE people, they  
12          were friends.  They tell each other, you  
13          know, both.

14          Q.       Who said to you they knew what you  
15          make, a GID person or a GE person?

16          A.       GID person told me that.

17          Q.       Okay.  Were you required to  
18          participate in any GE training programs?

19          A.       I took some of the meeting with the  
20          support central, you know, I work with.  I  
21          was in those meetings.

22          Q.       Did you take any harassment or  
23          discrimination training programs with GE  
24          when you started to work on site?

25          A.       No.

1

2           Q.     Were you required to sign any pieces  
3           of paper that were on GE letterhead or that  
4           had "GE" on the head of the document?

5           A.     I don't remember.

6           Q.     Did you have to fill out any tax forms  
7           for GID [sic] withholding?

8           A.     For GID?

9           Q.     For GE --

10          A.     No.

11          Q.     -- withholding taxes or anything like  
12          that?

13          A.     No.

14          Q.     When you were going to take time off,  
15          you would contact Jose, maybe Guillermo, but  
16          nobody at GE; is that right?

17          A.     I would let the GE -- my GE manager  
18          know.

19          Q.     Well, you sent e-mails to Jose and  
20          Garcia where you were asking about taking  
21          time off and you did not copy anybody at GE.

22                   Are you aware of that?

23          A.     Yes.

24          Q.     Why didn't you copy anybody at GE?

25          A.     I will ask them to give me, you know,



1

2 let them know that I'm going to take the  
3 time off and I will let my GE manager know  
4 that I am taking those days.

5 Q. Didn't you have to ask GE for  
6 permission?

7 A. I don't know. I just ask Jose.

8 Q. And you expected him to arrange with  
9 GE for you to be out for certain periods;  
10 right?

11 A. I just ask.

12 Q. But you didn't tell anybody at GE that  
13 you wanted that time off; right?

14 A. I usually used to let, you know, my  
15 manager know that I'm going to take those  
16 two week off.

17 Q. In September of 2012, you wanted to  
18 take September 26th through October 11th  
19 off to get your parents back to Iran; is  
20 that right?

21 A. Correct.

22 Q. Who did you tell that you wanted the  
23 time off?

24 A. My GE manager knew about it.

25 Q. Who did you tell?

1

2           A.     I told Jose.

3           Q.     Anybody else you told or recall  
4           telling?

5           A.     I told, you know, Pete Nelli and  
6           Kathleen Bokan.

7           Q.     You specifically recall, sitting here  
8           today, telling them this?

9           A.     Yes. I told them I'm going to be  
10          taking them back.

11          Q.     When did you tell them this?

12          A.     We talk about it over the summer. I  
13          told them about it.

14                 My father is 91, he have Alzheimer, he  
15          have a lot of problem, but he want to die in  
16          Iran and, you know, there's nobody to take  
17          him. They're too old to go by themself.

18                 My mother had a stroke, and I had to  
19          go to make sure they got there and get  
20          somebody to drive them out.

21          Q.     Did you file personal tax returns for  
22          2011 and 2012.

23          A.     My husband take care of it.

24          Q.     Do you know what your husband put down  
25          for your employer for those two years?

1

2           A.     I don't. My husband take care of it.

3           He go through my stuff. I don't know. He

4           probably put GID, but I don't know.

5           Q.     Probably. Why do you think he

6           probably put GID?

7           A.     Because my tax -- my paycheck is from

8           GID.

9           Q.     Have you spoken to anybody about the  
10          events that form the basis of your claim,

11          other than your husband and your lawyers?

12          A.     My son knows.

13          Q.     Other than family members, anybody  
14          else that you spoke to about this?

15          A.     Couple of my friend.

16          Q.     Which friends did you tell?

17          A.     Some of my friend. Vickie knows about  
18          it.

19          Q.     What's her name?

20          A.     Vickie.

21          Q.     What's her last name?

22          A.     Chen.

23          Q.     C-H-E-N?

24          A.     Yes.

25          Q.     Where does she live?

1

2           A.     She live in Rotterdam.

3           Q.     Rotterdam?

4           A.     Yes.

5           Q.     Who else did you tell?

6           A.     One of my neighbor.

7           Q.     Who is that?

8           A.     Dori Kuli (Phonetic Spelling).

9           Q.     Dori?

10          A.     Yes.

11          Q.     Do you know how to spell her last  
12          name?

13          A.     K -- not exactly. I think it's  
14          K-U-L-I, something like that.

15          Q.     Anyone else you told?

16          A.     My sisters.

17          Q.     Anyone else other than family members?

18          A.     No. I try to keep it low profile.

19          Q.     So why did you tell these two  
20          neighbors?

21          A.     They're close friends.

22          Q.     Why did you tell them about this?

23          A.     I just need to talk.

24          Q.     You needed to talk?

25          A.     Yeah.

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2 Q. No other reason?

3 A. Uh-huh.

4 Q. You're claiming damages against my  
5 clients.

6 Includes claims of emotional distress.

7 Are you aware of that?

8 A. Yes.

9 Q. And humiliation?

10 A. Uh-huh.

11 Q. Have you sought any professional help  
12 for the humiliation you've felt or the  
13 reactions you've had to this?

14 Have you seen a doctor?

15 A. No, just my husband.

16 Q. Why didn't you go to see a doctor?

17 A. Because I don't want anybody to know  
18 about my personal life.

19 Q. Except your close friends that you  
20 told about?

21 A. Couple of my close friends and it was  
22 on the -- some of my neighbors saw it  
23 online.

24 Q. They saw it online?

25 A. Yeah. I think in the New York Times

1

2 something like that they saw it, and they  
3 actually stopped and told me about it.

4 Q. They saw an article about this case in  
5 the New York Times?

6 A. Uh-huh.

7 Q. Do you have that article?

8 A. I think it's online. If you --

9 Q. Have you looked at that article?

10 A. Yes. After they told me, I do look at  
11 it.

12 Q. What is the article about?

13 A. It's talk about some Judge Cohen and,  
14 they, you know, something that that case  
15 going to go on.

16 Q. Your case?

17 A. Yes. Soheila Hexemer, is Iranian born  
18 in Iran, you know. I don't know exact word,  
19 but, yes, I read it online.

20 Q. Did you save a copy of that?

21 A. It still is online.

22 Q. Did you print out and save a copy of  
23 it?

24 A. No.

25 Q. Did you tell anybody that this article

1

2 had appeared in the New York Times?

3 A. They told me. People told me.

4 Q. I know. But after you found out, did  
5 you tell anybody else?

6 A. No.

7 Q. Do you know when you saw that article?

8 A. Date? No, I don't remember the date.

9 Q. And you said you didn't want to go to  
10 a doctor because you didn't want anybody to  
11 know about your personal life?

12 A. Uh-huh.

13 Q. You're concerned about a doctor  
14 knowing about what's happening in your  
15 personal life?

16 A. I'm a private person. My husband is  
17 the only one who knows.

18 Q. You go to doctors I take it; right?

19 A. I go to doctors very seldom, unless --  
20 I go if I'm dying. Otherwise, I try to just  
21 do the some kind of walking, exercise,  
22 anything I can to get myself, my mind, busy.

23 Q. Do you take any medications?

24 A. I take medicine for my headache.

25 Q. Who prescribed that?

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2           A.     My doctor prescribed that, my family  
3           doctor, Dr. Bassamma (Phonetic Spelling),  
4           and then I go to headache center because the  
5           headache I get from time to time.

6           Q.     Right.

7           A.     And then, you know, a lot of time I  
8           try to take Aleve to help the pain go away.

9           Q.     I'm focusing on the statement that you  
10          don't want to tell doctors about your  
11          personal life.

12                 So you're feeling this humiliation,  
13          this stress, this anxiety, and you decided  
14          not to go to doctors because you don't want  
15          to tell them about your personal life, is  
16          that what happened?

17          A.     Yes.

18          Q.     Have you been looking for a job?

19          A.     Well, yes. I start a part-time job  
20          and I do go to school to Schenectady.

21          Q.     You have a part-time job now?

22          A.     I just started a few weeks ago.

23          Q.     That's great. That's great. What's  
24          the job?

25          A.     Nothing to brag about. I'm working as



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2 a chef.

3 Q. Good. Okay. So that's part time.

4 You go to school part time?

5 A. I go to school full time.

6 Q. Were you looking for a job between the

7 time you started this job and the time that

8 you were terminated by GID?

9 A. Yes. I look every day. You know,

10 anything I see good I apply.

11 Q. Where do you look for positions?

12 A. I do it on Career Builder.

13 Q. Career Builder?

14 A. Yes. I do it on Monster, a couple of

15 other one I do it. I went to Department of

16 Labor.

17 Q. Right.

18 A. I did get my certificate on QuickBook

19 [sic].

20 Q. Right.

21 A. That's through the -- you know, the

22 Department of Labor set it up for me.

23 And I go through different website,

24 you know.

25 Q. Are you still looking for a full-time

1

2 position?

3 A. Yes.

4 Q. And if you get a full-time position,  
5 you'll leave the part-time position and stop  
6 going to school?

7 A. I will continue my school on a  
8 part-time basis at night.

9 Q. Okay. You prepared résumés, of  
10 course, while you were applying for work;  
11 right?

12 A. Yes.

13 Q. Are you aware that on some of those  
14 résumés you say that you stopped working for  
15 GID in 2013?

16 A. No, I don't remember. I don't know.

17 Q. Is there any reason that you would  
18 have told people that you stopped working at  
19 GE -- I'm sorry, GID in 2013?

20 A. It must have been a typic [sic] error.

21 Q. You're very careful about inputting  
22 information; correct?

23 A. Yes.

24 Q. It's very unlikely you would have made  
25 a typo like that; right?

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MR. VALLAS: Objection.

A. It's very possible, you know, because sometimes you type it in. It must have been typic error.

Q. When you work on those manuals, isn't that highly technical work? You have to be very careful about each thing that gets entered?

A. Mistake can happen.

Q. So it's just a mistake?

A. I'm human being, right.

Q. So if I have a résum  that says you left in 2013, that was just a mistake, a typo?

A. It has to be a mistake. I didn't -- I haven't looked at it, really.

Q. Okay.

MR. EBERT: Just let us take a couple of minutes. We'll be right back.

MR. VALLAS: Sure.

(Recess held from 4:10 P.M. until 4:17 P.M. )

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BY MR. EBERT:

Q. Just one follow-up thing.

You made reference a couple of times  
in your deposition to GE managers.

What GE managers did you report to  
while you work at GID on site at GE? Who  
were the different managers?

A. Pete Nelli.

Q. When did you report to him as your  
manager?

A. They had him and GE website, if you  
look, they had him as my manager and then  
also Toni-Anne.

Q. Toni-Anne is a man or a woman?

A. Woman.

Q. There's a GE website that had you  
listed?

A. There is a -- there is a part on GE  
that, like, if you click on it, it shows you  
who you work with, which department you are  
in. And then if you go in the e-mail, you  
click on the name you can find out which  
department, which building, who is the  
manager.

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2 Q. Did you have any other managers?

3 A. For GID, you know, Pete Nelli.

4 Q. As your manager, what interaction did  
5 you have with him from a manager  
6 perspective?

7 A. You know, we supposed to meet once a  
8 month, and then we go through all the work I  
9 did. I think Jake was in it, too.

10 We would have a conference call and  
11 they would have it write down on an Excel  
12 sheet, you know, all the work you  
13 accomplished.

14 Q. Anything else as your manager he did?

15 A. Some of my work I did I bring it up to  
16 him, ask him question, and he tell me what  
17 he wanted me to get done.

18 Q. Did he ever identify himself as your  
19 manager?

20 A. On the GE side he was my manager.

21 Q. But to you; did he ever identify  
22 himself to you as your GE manager?

23 A. We never -- you know, it never -- we  
24 never talk about any of this stuff.

25 Q. How about Toni-Anne, did she ever

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2 identify herself to you as your GE manager?

3 A. We never talk about this stuff.

4 Q. And Toni-Anne was your manager when  
5 you were working for Granite; is that right?

6 A. No. When I start working at GID,  
7 Toni-Anne had the job before Janet Miller.

8 Q. When was Toni-Anne your GE manager?

9 A. I guess when I start working. I don't  
10 know exactly. I don't know exact time.

11 Q. Approximately a year?

12 A. I don't know that.

13 MR. EBERT: Okay. I have  
14 nothing further.

15 MR. VALLAS: Just give me two  
16 seconds.

17 (At which time, there was a brief  
18 pause in the proceedings.)

19 MR. VALLAS: I don't have any  
20 follow-up.

21 MR. EBERT: Okay.

22 \* \* \* \* \*

23 (Whereupon, the examination of

24 SOHEILA HEXEMER in the

25 above-entitled matter concluded at 4:20 p.m.)

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This is the Deposition of  
SOHEILA HEXEMER  
taken in the matter, on the date, and at the  
time and place set out on the title page hereof.

It was requested that the deposition be taken by  
the reporter and that same be reduced to  
typewritten form.

It was agreed by and between counsel and the  
parties that the Deponent will read and sign the  
transcript of said deposition.

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DEPONENT'S CERTIFICATE

STATE OF \_\_\_\_\_:

COUNTY/CITY OF \_\_\_\_\_:

Before me, this day, personally appeared  
SOHEILA HEXEMER, who, being duly sworn, states  
that the foregoing transcript of his/her  
Deposition, taken in the matter, on the date, and  
at the time and place set out on the title page  
hereof, constitutes a true and accurate transcript  
of said deposition.

\_\_\_\_\_  
SOHEILA HEXEMER

Signed and subscribed to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF NEW YORK



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DEPOSITION ERRATA SHEET

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SOHEILA HEXEMER

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REPORTER'S CERTIFICATION

I, ROBERTA-ANNE SCHMITT, a Court  
Reporter and Notary Public certified in and for  
the State of New York, do hereby certify that I  
recorded stenographically the proceedings herein  
at the time and place noted in the heading hereof,  
and that the foregoing transcript is true and  
accurate to the best of my knowledge, skill and  
ability.

IN WITNESS WHEREOF, I have hereunto set  
my hand.

---

ROBERTA-ANNE SCHMITT

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